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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,887	07/16/2001	Yoshinori Hama	211456US0	3676

22850 7590 08/25/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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EXAMINER

SHOSHO, CALLIE E

ART UNIT PAPER NUMBER

1714

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,887

Applicant(s)

HAMA ET AL

Examiner

Callie E. Shosho

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 4 is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. All outstanding rejections except for those described below are overcome by applicants' amendment filed 6/4/03.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Uraki et al. (U.S. 6,031,024).

The rejection is adequately set forth in paragraph 2 of the office action mailed 12/4/02, Paper No. 4, and is incorporated here by reference.

Response to Arguments

4. Applicants' arguments regarding Shimomura et al. (U.S. 5,837,754), Tsutsumi et al. (U.S. 6,031,019), JP 08218013, and Song et al. (U.S. 6,372,824) have been considered but they are moot in view of the discontinuation of these references against the present claims.
5. Applicants' arguments have been fully considered but, with the exception of arguments relating to Shimomura et al., Tsutsumi et al., JP 08218013, and Song et al., they are not persuasive.

Specifically, applicants argue that Uraki et al. disclose removing solvent after forming and dispersing the polymer particles which is in direct contrast to the present claims where the solvent is removed before the dispersion step.

However, example 4, col.10, lines 50-62 of Uraki et al. discloses that pigment, polymer, and solvent are kneaded together and the resultant "mixture" treated in "the same manner as in example 1" to give "blue pigment slurry". In the "same manner as in example 1" refers to col.9, lines 14-20 of Uraki et al. wherein solvent is removed from mixture of pigment, polymer, solvent, and water. Following this solvent removal, example 4 in col.10, lines 63-65 discloses that dispersion occurs, i.e. "the following materials were placed in a sand mill and dispersed for 4 hours". Thus, example 4 of Uraki et al. discloses first mixing together polymer, pigment, solvent, and water to form slurry, followed by solvent removal, followed by dispersion treatment.

In light of the above, it is the examiner's position that Uraki et al. remains a relevant reference against the present claims.

Allowable Subject Matter

6. Claims 2 and 4 are allowable over the "closest" prior art Shimomura et al. (U.S. 5,837,754) and Song et al. (U.S. 6,372,824) for the following reasons.

Shimomura et al. disclose process comprising dissolving polyester in solvent followed by addition of water and then removing the solvent after the polyester particles are formed and dispersed in the solvent. This is in direct contrast to the present claims which require removing solvent before dispersion treatment.

Song et al. disclose process comprising mixing polymer, solvent, and water to form dispersion, removing solvent, and then adding pigment. This is in direct contrast to present claim 2 which requires removing solvent before dispersion treatment, i.e. process comprising mixing solvent, polymer, and water, removing solvent, adding pigment, and then subjecting mixture to dispersion treatment.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

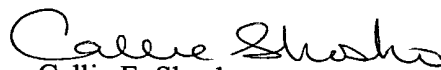
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
8/21/03